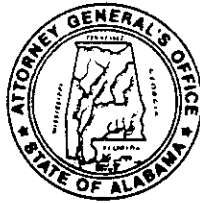


82-00099
OFFICE OF THE ATTORNEY GENERAL



CHARLES A. GRADDICK
ATTORNEY GENERAL
STATE OF ALABAMA

NOV 25 1981

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Honorable Roger W. Kirby
City Attorney
City of Gadsden
P.O. Box 267
Gadsden, AL 35999

Municipalities -- Municipal
Officers and Employees --
Conflict of Interest

City employee of Gadsden
prohibited from doing
business with city under
Section 10 of Act No. 758
(1965).

Dear Mr. Kirby:

The opinion request of the City of Gasden has been received in the office of the Attorney General. Your request reads as follows:

WHEREAS, Bob Bryant is employed as a Commander in the Gadsden Fire Department and on his off-time owns and operates Bob Bryant Fire Equipment Company, which is primarily engaged in the business of selling and servicing fire extinguishers; and

WHEREAS, Bob Bryant Fire Equipment Company desires to do business with the City of Gadsden; and

Honorable Roger W. Kirby
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WHEREAS, Section 10 of Act No. 785, adopted on September 2, 1965, (codified as Section 1203(a10), Appendix, Vol. 14A, Code of Alabama (1940) (Recomp. 1958), provides in part as follows:

No officer or employee elected or appointed by any such city shall be interested, directly or indirectly, in any contract for work or material, for the profits thereof, or service to be furnished or performed for the city.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF GADSDEN, ALABAMA, that the Honorable Charles A. Graddick, Attorney General of Alabama, be and hereby is requested to render his opinion whether Section 10 of Act No. 785 would be violated if Bob Bryant Fire Equipment Company does business with the City of Gadsden.

Your inquiry is answered in the affirmative.

Bob Bryant is clearly an employee of the City of Gadsden. He desires to sell fire extinguishers to the city. Such business activity is clearly prohibited by the terms of Acts of Alabama 1965, Act No. 785, adopted September 2, 1965, an act applicable to the employees of the City of Gadsden.

It is, therefore, the opinion of this office that Section 10 of Act No. 758, Acts of Alabama 1965, would be violated if Bob Bryant Fire Equipment Company did business with the City of Gadsden.

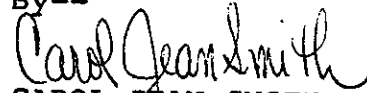
Honorable Roger W. Kirby
Page Three

I do hope that this response sufficiently answers your inquiry. If, however, we may be of further assistance, please do not hesitate to contact us.

Sincerely yours,

CHARLES A. GRADDICK
Attorney General

By--

A handwritten signature in cursive script, reading "Carol Jean Smith".

CAROL JEAN SMITH
Assistant Attorney General

CJS:es